

MATTLEMAN, WEINROTH & MILLER

BY: ALICIA M. SANDOVAL, ESQUIRE

ATTORNEY I.D. NO.: AS2774

A Professional Corporation

401 Route 70 East - Suite 100

Cherry Hill, New Jersey 08034

(856) 429-5507

Attorneys for: Bayview Loan Servicing, LLC

File No.: 902.84963

**UNITED STATES BANKRUPTCY COURT
THE DISTRICT OF NEW JERSEY**

IN RE:	:	CHAPTER 13
	:	
Garth Naar,	:	CASE NO.: 14-20500-RG
	:	
Debtor.	:	OBJECTION OF CREDITOR
	:	BAYVIEW LOAN SERVICING, LLC
	:	TO CONFIRMATION OF DEBTOR'S
	:	PLAN

AND NOW, comes secured creditor, Bayview Loan Servicing, LLC ("Movant") by and through its counsel, Alicia M. Sandoval, Esquire, hereby files the following objection to the Debtor's Chapter 13 Plan:

1. The Debtor filed a Chapter 13 Bankruptcy Plan with this Court on June 5, 2014. The Debtor then filed a Modified Chapter 13 Bankruptcy Plan on August 5, 2014.

2. Movant is the holder of a Note executed and delivered by the Debtor on or about June 19, 2006 in the amount of \$444,000.00. The Note is secured by a Mortgage of the same date securing real property located at 104 Harvard Avenue, Maplewood, NJ 07040. A copy of the Note and Mortgage are collectively attached hereto as Exhibit "A."

3. On or about October 2, 2013, Secured Creditor obtained Final Judgment of Foreclosure in the matter *Bayview Loan Servicing, LLC v. Naar, et al*, Docket No. F-27443-12, pending in the Superior Court of New Jersey, Chancery Division, Essex County. A true and correct copy of the Final Judgment of Foreclosure is attached hereto as Exhibit "B."

4. As of the date of filing the Debtor's bankruptcy petition on May 23, 2014, Movant held a secured claim in the amount of \$527,327.64, and pre-petition arrears in the amount of \$92,277.85.

Movant's claim is secured only by a security interest in the Debtor's real property, which is his principal place of residence.

5. The Debtor's Modified Plan seeks to treat Movant's claim as unsecured, asserting that the value of the subject property is \$399,000.00.

6. Under 11 U.S.C. 1322(b)(2), a Chapter 13 debtor may not modify the rights of holders of claims secured only by an interest in real property that is the debtor's principal residence. Movant's claim is secured only by its interest in the Debtor's principal residence; accordingly, the rights of Movant cannot be modified.

7. Movant respectfully requests that this Honorable Court deny confirmation of the Debtor's proposed Chapter 13 Plan unless the Debtor amends his Plan to maintain the rights of Movant as a secured creditor with an interest in the Debtor's principal residence.

Respectfully submitted,

Dated: August 8, 2014

s/ Alicia M. Sandoval
ALICIA M. SANDOVAL, ESQUIRE
Attorney I.D. No. 311874
Attorney for Movant

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Garth Naar,	:	CASE NO.: 14-20500-RG
	:	
Debtor.	:	CERTIFICATION OF MAILING
	:	
	:	

I, Alicia M. Sandoval, Esquire, represent Movant Bayview Loan Servicing, LLC in the above-captioned matter. On August 8, 2014, I sent a copy of Movant's Objection to Confirmation of Modified Chapter 13 Plan to the parties listed in the chart below:

Debtor: Garth Naar 104 Harvard Avenue Maplewood, NJ 07040 <i>Via U.S. First Class Mail</i>	Debtor's Attorney: Robert B. Davis Goodson Law Offices 7 Oak Place, Suite 3 Montclair, NJ 07042 <i>Via Notice of Electronic Filing</i>
Chapter 13 Standing Trustee: Marie-Ann Greenberg 30 Two Bridges Rd. Suite 330 Fairfield, NJ 07004 <i>Via Notice of Electronic Filing</i>	

I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: August 8, 2014

/s/ Alicia M. Sandoval
ALICIA M. SANDOVAL